

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

CHRISTOPHER WILLIAMS,  
Plaintiff,  
v.  
JACKIE FLUAITT, et al.,  
Defendants.

No. 2:12-CV-5017-JTR

ORDER DENYING PLAINTIFF'S  
MOTION FOR INDICATIVE RULING

**BEFORE THE COURT** is Plaintiff's Rule 62.1 motion for an indicative ruling. ECF No. 157. Plaintiff appears *pro se*. Defendants are represented by Candie M. Dibble and Joseph T. Edwards.

On May 27, 2014, Plaintiff moved this Court, pursuant to Rule 60(b), to reconsider the Court's order dismissing Plaintiff's complaint. ECF No. 149. On June 4, 2014, the Court concluded it lacked jurisdiction to address Plaintiff's Rule 60(b) motion for reconsideration. ECF No. 154; see Fed.R.App.P. 4(a)(4)(vi). Plaintiff now requests that the Court reconsider its June 4, 2014, order and provide an indicative ruling pursuant to Rule 62.1(a). ECF No. 157.

1 Rule 62.1 provides relief pending appeal "[i]f a **timely motion** is  
2 made for relief that the court lacks authority to grant because of an  
3 appeal that has been docketed and is pending . . . ." Fed.R.Civ.P.  
4 62.1(a) (emphasis added). As stated in the Court's June 4, 2014,  
5 order, Fed.R.App.P. 4(a)(4) provides that the district court may  
6 retain jurisdiction if a party files a motion for relief under Rule 60  
7 "no later than 28 days after the judgment is entered." Fed.R.App.P.  
8 4(a)(4)(vi). Plaintiff's Rule 60(b) motion, filed more than three  
9 months after the filing of the notice of appeal and more than five  
10 months after the entry of judgment, was substantially untimely and  
11 thus failed to satisfy the requirements of Fed.R.App.P. 4(a)(4)(vi).  
12 Because Plaintiff's motion is not a "timely motion", Rule 62.1(a) does  
13 not provide Plaintiff an avenue for relief pending his appeal. The  
14 Court notes, in any event, that it appears Plaintiff's motion fails to  
15 raise a substantial issue or otherwise warrant reconsideration.

16 Plaintiff's Rule 62.1 motion for an indicative ruling, **ECF No.**  
17 **157**, is **DENIED**.

18 **IT IS SO ORDERED.** The District Court Executive is hereby  
19 directed to enter this order and furnish copies to Plaintiff and  
20 counsel for Defendants.

21 **DATED** this 23rd day of June, 2014.

22 **s/Lonny R. Suko**

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24 Lonny R. Suko  
25 Senior United States District Judge  
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